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10/812,410	03/30/2004	Bong-gil Bak	1793,1198	1273
49455	7590	09/17/2008		EXAMINER
STEIN, MCEWEN & BUI, LLP			NGUYEN, HUY THANH	
1400 EYE STREET, NW			ART UNIT	PAPER NUMBER
SUITE 300			2621	
WASHINGTON, DC 20005				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

***Response to Arguments***

1.      Applicant's arguments filed 17 June 2008 have been fully considered but they are not persuasive.

Applicant argues that Kanda does not teach an encoder that control a generation of a bit rate within a predetermined range. In response the examiner disagrees. It is noted that Kanda teaches a MPEG encoder that encoding and compressing the received video signal with a bit rate with a predetermined range since it is required to MEPG system and a recording rate of the encoded signal for a medium. Since the claims only require an encoder that generating a compressed signal having a bit rate within a predetermined range, the bit rate of encoding of the encoder of Kanda meets the claimed bit rate of the compressed signal .

Applicant argues that "Kanda in view of Kuroda fails to disclose a deleting of the data from the first medium when the data has been completely recorded on the second medium, as recited in claim 3. In response, the examiner disagrees. It is noted that column 6, lines 45-53, Kuroda teaches the recording / reproducing apparatus move the recorded content signal from the first medium (temporary storage), into a second medium (the selected storage device) , after the content signal of the first medium is recorded on the second medium, the recorded content signal in the first medium is deleted. It is clear that Kuroda teaches deleting the signal recorded on the first medium when the signal is completely recorded on the second medium.

Applicant argues that " In regards to the first embodiment, only a portion of data is recorded in each storage device, as opposed to completely recording the data in a

storage medium as recited in the present claim". In response it is noted that the applicant does not specify that the data in the claim is a portion or a program.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571)272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUY T NGUYEN/

Primary Examiner, Art Unit 2621